IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CIVIL WRIT PETITION NO.1918/07

Akhil Bhartiya Prajapati

Versus

State & Ors.

DATE OF ORDER :: 25/04/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. Mahesh Sharma, for petitioner

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Instant petition has been filed assailing the notification issued by the authority u/ss.4 & 6 of Land Acquisition Act, 1894.

Basic bone of contention of counsel for petitioner is that after service of notice, u/s.5A objections were submitted by petitioner, but thereafter, no opportunity of hearing either in person or through pleader was afforded to him. In absence whereof, the very notification issued by the authority u/s.6 of the Act is violative of principles of natural justice and deserves to be set aside.

I have considered the submission of the counsel and perused the material available on record.

It is made clear at this stage that petitioner is confined to 0.25 hectares of land in Khasra No.1204 for which notification was initially issued u/s.4 of the Act and all who

were affected thereby were called upon to submit their objections. It is not disputed that petitioner has also submitted written objections in compliance of Section 5A and after taking into consideration the objections, the authority has issued notification u/s.6 of the Act.

I do not find any error committed by the authority in issuing notification u/s.6 of the Act, which, in my opinion, is in consonance with the provisions of the Act, 1894.

As regards the submission made by counsel for petitioner that after submitting written objections, he has not been called upon in person or through pleader, in my considered opinion, is of no merit for the reason that u/s.5A call upon all those who are affected by notification issued u/s.4 to submit their objections and once the objections have been submitted and considered by the authority, compliance of provisions of Section 5A has been made and it is not necessary that in all matters a further notice is required to be issued to the objector. Since his written objections are already on record, the same can be considered by the Land Acquisition Authority while taking further decision.

I do not find any merit in the writ petition, the same stands dismissed.

[AJAY RASTOGI],J.

FRBOHRA,JR.P.A.